
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

DAVID SLEIGHT,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 1:14-cv-00065-RJS-EJF

Judge Robert J. Shelby

Plaintiff David Sleight filed his Complaint on May 23, 2014, seeking review of the Commissioner of the Social Security Administration's decision denying his application for Disability Insurance Benefits.¹ The case was then referred to Magistrate Judge Evelyn J. Furse pursuant to 28 U.S.C. § 636(b)(1)(B).²

Judge Furse issued a Report and Recommendation on January 12, 2016. Judge Furse recommended the court affirm the Commissioner's decision because there was substantial evidence in the record supporting the Administrative Law Judge's ("ALJ's") evaluation of Mr. Sleight's credibility; "the ALJ provided specific, legitimate reasons for the weights accorded to the various medical source opinions, supported by substantial record evidence;" and the ALJ did not err in relying on the testimony of a vocational expert stating that Mr. Sleight could perform other work.³

Under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), a party has

¹ Dkt. 3.

² Dkt. 4.

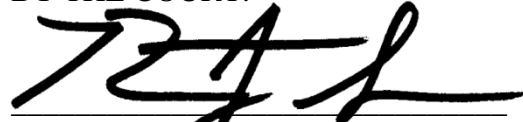
³ Dkt. 21.

fourteen days from receipt of the Report and Recommendation to file an objection. Neither party has done so. In the absence of an objection, the court may apply a clearly erroneous standard of review.⁴ Under this standard, the court will affirm the Magistrate Judge's ruling unless the court "is left with the definite and firm conviction that a mistake has been committed."⁵

After carefully reviewing the briefing, record, and relevant legal authorities, the court concludes that Judge Furse did not clearly err in analyzing Mr. Sleight's appeal. The court therefore ADOPTS the Recommendation and AFFIRMS the Commissioner's decision. The Clerk of Court is directed to close the case.

SO ORDERED this 17th day of February, 2016.

BY THE COURT:



ROBERT J. SHELBY
United States District Judge

⁴ *Thompson v. Astrue*, 2010 WL 1944779, at *1 (D. Utah May 11, 2010) (citing 28 U.S.C. § 636(b)(1)).

⁵ *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).